

Young Canadians plan to sue over climate change

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Body

A group of young Canadian activists are suing the federal government over climate change - they're at the forefront of a new legal strategy that could hold governments around the world to account, after decades of attempts to sue companies for the effects of climate change have failed.

In a joint media release, Our Children's Trust and the David Suzuki Foundation said that 15 young people from across Canada will file a lawsuit Friday claiming that the government has violated their rights to life, liberty and security of the person - which are guaranteed under Section 7 of the Charter of Rights and Freedoms - by contributing to high greenhouse gas emissions and climate change.

They also claim that the government violated their equality rights under Section 15 of the charter, because youth are affected by climate change more than any other group.

The 15 young people are said to be from across Canada and include B.C.-based climate activist and spokesperson Sierra Robinson.

They will be joined by their families and other environmental activists at a news conference ahead of a climate march in Vancouver, also planned for Friday.

International climate activist Greta Thunberg is expected to make an appearance at the march.

The 15 youth are represented by the law firms of Arvay Finlay LLP and Tollefson Law Corp., and are partnered with the Pacific Centre for Environmental Law and Litigation, the David Suzuki Foundation, and Our Children's Trust.

Our Children's Trust is already behind more than 50 cases in the United States, including the landmark case Juliana v. U.S.

It is spearheaded by 23-year-old Kelsey Juliana from Oregon and 20 other youth plaintiffs, who allege that the U.S. government violated their constitutional rights to life, liberty and property by making decisions that have led to climate change.

Andrea Rodgers, a senior attorney at Our Children's Trust who was involved in many of these cases, said that these attempts to fight the government in court is a strategy that came out of years of unsuccessful court battles against individual companies and projects.

"It's important we don't forget our history," she told Star Vancouver. "Climate change cases have been filed in court for over 40 years ... but the vast majority were unsuccessful."

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Rodgers said that most of the cases fought individual projects, such as coal plants or refineries, over harmful effects to the health of individuals.

But she said that due to the way the way courts evaluate the impact of a specific project, it was difficult to prove direct causation coming from emissions from a particular project.

She said environmental lawyers realized that they had to target what they saw as the real source of the problem.

"We learned it's not these individual permits that are the problem - the problem is the overall system, and the pattern of government issuing these permits over decades."

Rodgers added that alongside the shift in legal strategy is a larger social shift toward viewing climate change as a fundamental human rights issue.

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